

IN THE U.S. DISTRICT COURT FOR THE **RECEIVED**
NORTHERN DISTRICT OF ILLINOIS

NOV 26 2019 EW

CHARLES BOOCOCK, Plaintiff
v.

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

THOMAS J. DART, Defendant

19 C 3877

FIRST AMENDED COMPLAINT

Plaintiff, Charles Bocock, without representation, complains of Defendant, Thomas J. Dart, as follows:

1. Plaintiff is a pretrial detainee housed in Division 6 of the Cook County Jail ("CCJ") in Chicago, IL.
2. Plaintiff has been incarcerated at the CCJ since 3 May 2018.
3. Defendant is the sheriff of Cook County.
4. The CCJ is operated by Defendant.
5. Defendant is the primary policymaker for the CCJ.

FILED
1/28/2020 NF

THOMAS G. BRUTON
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BACKGROUND TO COUNTS 1 & 2

6. Defendant has a policy which is an absolute ban on the receipt or possession of all newspapers by residents of the CCJ, except those that address criminal justice issues, prisoner rights or similar topics, such as Prison Legal News or Criminal Legal News.
7. Plaintiff wished to read the New York Times, a daily national newspaper.
8. Defendant's policy prohibited Plaintiff from receiving a copy of the New York Times.
9. Plaintiff is a British citizen.
10. Plaintiff wished to read the Guardian, a British daily national newspaper.
11. A British non-profit, Prisoners Abroad, mailed an issue of the Guardian newspaper to Plaintiff at the CCJ.
12. Plaintiff was not permitted to receive the Guardian, pursuant to Defendant's policy, and Plaintiff was informed that the mail item had allegedly been returned to the sender.

13. Plaintiff had no meaningful access to news of important events concerning his home nation, e.g. "Brexit."

COUNT 1

14. Defendant's newspaper policy violates Plaintiff's First Amendment free speech right to read newspapers, under the U.S. Constitution.

COUNT 2

15. Defendant's newspaper policy violates Plaintiff's Fourteenth Amendment right by punishing him without due process, under the U.S. Constitution.

BACKGROUND TO COUNT 3

16. Defendant has a policy allowing residents to receive packages containing multiple publications.

17. If a package is received containing multiple publications but one of the publications does not conform to the censorship rules of the CCJ then the entire package is returned to the sender - even though the other items are conforming.

18. Plaintiff received such a package at the CCJ.

19. The package contained conforming items, but also contained a non-conforming newspaper.

20. Plaintiff received written notification from the CCJ that the entire package had been returned to the sender.

21. Plaintiff did not receive the conforming items.

COUNT 3

22. Defendant's policy of returning conforming publications to the sender violates Plaintiff's First Amendment right to free speech under the U.S. Constitution.

COUNT 4

23. Defendant's policy of immediately returning non-conforming publications to senders does not provide a means to appeal the censorship to an alternate censor or supervisor and violates Plaintiff's Fourteenth Amendment right to due process under the U.S. Constitution.

BACKGROUND TO COUNTS 5 & 6

24. Defendant has a policy of returning publications to senders when they do not conform to censorship rules.
25. Due process requires senders to be notified of the censorship and be given an opportunity to appeal.
26. Defendant's policy implements this requirement by inserting a letter into the sender's package.
27. The CCJ reseals the package.
28. The CCJ marks the package "Return to Sender."
29. The CCJ returns the package to the mail service.
30. The CCJ has no knowledge of whether these packages are successfully returned to the senders.
31. Defendant's policy results in many packages being permanently lost, including packages sent to Plaintiff.

COUNT 5

32. Defendant's package return policy results in many senders never being informed their packages have been censored and does not give the sender an opportunity to appeal and violates Plaintiff's Fourteenth Amendment right to due process under the U.S. Constitution.

COUNT 6

33. Defendant's package return policy results in the loss of property, the publications sent to Plaintiff, and violates Plaintiff's Fourteenth Amendment right to due process under the U.S. Constitution.

LIABILITY

34. This suit is brought against Defendant in his official capacity as the primary policymaker for the CCJ.

35. This suit is brought against Defendant in his personal capacity as he had knowledge his policies were unconstitutional based on previous suits brought against him, and he supervised those who implemented his policies.

JURISDICTION

36. This suit is brought pursuant to 42 U.S.C. § 1983.

RELIEF

WHEREFORE Plaintiff prays this Court to declare Defendant violated his rights under the First and Fourteenth Amendments to the U.S. Constitution, and go on to award him general, punitive, compensatory and nominal damage for such violations; and any other relief deemed just.

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CHARLES Bocock, Plaintiff
(Unrepresented)

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